



U.S. Department of Justice

Ronald C. Machen Jr.
United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

November 16, 2012

Thomas Dybdahl, Esq.
Andrew Stanner, Esq.
The Public Defender Service
633 Indiana Avenue, NW
Washington, DC 20004

Re: **UNITED STATES v. RECO COATES,**
Case No. 2009 CF1 15475

Dear Counsel:

This letter is to confirm the plea offer for your client, Reco Coates. This plea offer will remain open until **November 19, 2012**. However, the Government reserves the right to revoke this plea offer at any time before your client enters a guilty plea in this case. If your client accepts the terms and conditions set forth below, please have your client execute this document in the space provided below. Upon receipt of the executed document, this letter will become the plea agreement between your client and the Office of the United States Attorney for the District of Columbia. The terms of the offer are as follows:

1. Your client Reco Coates agrees to admit guilt and enter a plea of guilty to the following offense: Voluntary Manslaughter, in violation of D.C. Code § 22-2105. Your client understands that the offense of Voluntary Manslaughter carries a potential maximum penalty of a period of incarceration of not more than 30 years.
2. Your client understands that the Government will reserve stepback pending sentencing, will waive any sentencing enhancement papers, and will reserve allocation at sentencing, subject to the terms set forth in paragraph 6 of this agreement.
3. Your client understands that the Government agrees that it will dismiss any and all greater and remaining counts of the indictment at the time of sentencing.



4. The parties further agree that your client, after taking an oath to tell the truth, shall agree to the attached factual proffer in open court on the date of the plea.

5. Your client understands that subject to the terms and conditions set forth in paragraph 6 below, the Court may utilize the District of Columbia Sentencing Commission's Voluntary Sentencing Guidelines in imposing the sentence in this case.

6. Your client and the Government agree that a sentence of eight years (96 months) of incarceration, is the appropriate sentence in this case. Your client and the Government agree, pursuant to Rule 11(e)(1)(C) of the Superior Court Rules of Criminal Procedure, to present this plea agreement to the Court for its approval. If the Court accepts the plea agreement and the specific sentence agreed upon by the parties, then the Court will embody in the judgment and sentence the disposition provided for in this plea agreement, pursuant to Rule 11(e)(3) of the Superior Court Rules of Criminal Procedure. The parties understand, however, that in light of other factors the Court may not agree that such a sentence is an appropriate one and may reject the plea agreement pursuant to Rule 11(e)(4) of the Superior Court Rules of Criminal Procedure. Upon such a rejection, pursuant to Rule 11(e)(4), neither party would then be bound by this plea agreement. Your client understands that if this happens, the Court, in accordance with the requirements of Rule 11(e)(4), will inform the parties of its rejection of the plea agreement, and will afford your client an opportunity to withdraw the plea, or if your client persists in the guilty plea will inform your client that a final disposition may be less favorable to your client than that contemplated by this agreement.

7. Your client agrees that this letter is binding on the Government, but not binding on the Court, and that he cannot withdraw this plea at a later date because of the harshness of any sentence imposed by the Court.

8. Your client acknowledges and has been made aware that pursuant to the Innocence Protection Act, that there may be physical evidence which was seized from the victim, crime scene or from your client or from some other source that can be tied to your client that could contain probative biological material. Your client understands and agrees that in order to plead guilty in this case, your client must waive and give up any further DNA testing, including any independent testing, in this case and must execute the attached written waiver of DNA testing. Your client further understands that should he waive and give up DNA testing now, it is unlikely that he will have another opportunity to have the DNA tested in this case.

9. Your client also agrees that if any illegal firearms or illegal contraband were seized by any law enforcement agency from the possession of or the direct or indirect control of your client, then your client consents to the administrative forfeiture, official use and/or destruction of said firearms or contraband by any law enforcement agency involved in the seizure of these items.

10. In entering this plea of guilty, your client understands and agrees to waive certain rights afforded to your client by the Constitution of the United States and/or by statute. In

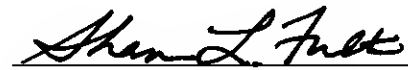
particular, your client knowingly and voluntarily waives or gives up his right against self-incrimination with respect to the offense to which your client is pleading guilty before the Court which accepts your client's plea. Your client also understands that by pleading guilty your client is waiving or giving up your client's right to be tried by a jury or by a judge sitting without a jury, the right to be assisted by an attorney at trial and the right to confront and cross-examine witnesses.

11. This letter sets forth the entire understanding between the parties and constitutes the complete plea agreement between your client and the United States Attorney's Office for the District of Columbia. This agreement supersedes all prior understandings, promises, agreements, or conditions, if any, between this Office and your client.

Respectfully,

RONALD C. MACHEN
UNITED STATES ATTORNEY

By:


SHANA L. FULTON
MICHELLE D. JACKSON
ASSISTANT U.S. ATTORNEYS

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and factual proffer and have discussed it with my attorneys, Thomas Dybdahl and Andrew Stanner, Esquires. I fully understand this agreement and agree to it without reservation. I do this voluntarily and of my own free will, intending to be legally bound. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this agreement fully. I am pleading guilty because I am in fact guilty of the offenses set forth herein.

I reaffirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this plea agreement. I am satisfied with the legal services provided by my attorney in connection with this plea agreement and matters related to it.

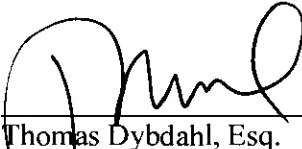
Date: 11-17-12


Defendant Reco Coates

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the pages constituting this plea agreement, reviewed them with my client, Reco Coates, and discussed the provisions of the agreement with my client, fully. These pages accurately and completely set forth the entire plea agreement.

Date: 11/17/12


Thomas Dybdahl, Esq.
Andrew Stanner, Esq.
Attorneys for Reco Coates

PROFFER OF FACTS

Had this case gone to trial the Government's evidence would have shown beyond a reasonable doubt that on November 12, 2007, at approximately 5:30 p.m., defendant along with other individuals set out to rob Anthony Collins in apartment [REDACTED] at 1 [REDACTED] 34th Street, S.E., in Washington, D.C. The robbers, who included defendant, knocked on the front door and claimed to want to buy illegal drugs from Mr. Collins. When Mr. Collins opened the door, one of the robbers shoved a gun through the doorway and said words to the effect of, "You know what time it is." Mr. Collins then attempted to slam the door shut and barricade it with his body as he was stabbed by the robbers on the other side. The robbers gained entry into the apartment, stabbed and cut Mr. Collins with knives and stole Mr. Collins' crack cocaine. The robbers then fled the apartment.

Due to his wounds, Mr. Collins was transported by ambulance to the hospital where he was admitted and treated. During the course of his treatment, Mr. Collins' condition deteriorated. After lapsing into a coma, Mr. Collins died in the hospital on December 28, 2007. A subsequent autopsy determined that the cause of death was complications from the stab wound to Mr. Collins' left chest and that the manner of death was homicide.

After Mr. Collins' death, defendant confessed to the police that he was one of the robbers and that he participated in the robbery that led to Mr. Collins' death.

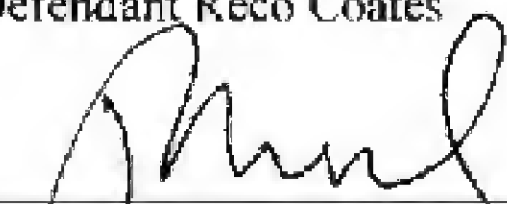
DEFENDANT'S ACKNOWLEDGMENT

I have read and discussed the Government's Proffer of Facts with my attorneys, Thomas Dybdahl and Andrew Stanner, Esquires. I agree, and acknowledge by my signature, that this Proffer of Facts is true and correct.

Date: 11-17-12


Defendant Reco Coates

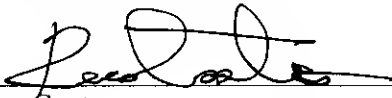
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Andrew Stanner, Esq.
Attorneys for Reco Coates

DEFENDANT'S AGREEMENT TO WAIVE DNA TESTING

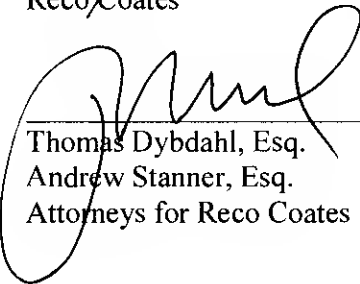
My attorney has discussed the contents of this plea agreement with me, including the fact that I may request or waive additional and/or independent DNA testing. I understand the conditions of the plea and agree to them. I knowingly, intentionally, and voluntarily waive and give up DNA testing or independent DNA testing of any biological materials in this case. I further state that I am fully satisfied with the services my attorney has provided to me and am fully satisfied with the explanation my attorney has provided me concerning the terms of the plea offer, the potential evidentiary value of DNA evidence in this case, and the consequences of waiving and giving up DNA testing in this case and pleading guilty.

Date: 11-17-12



Reco Coates

Date: 11/17/12



Thomas Dybdahl, Esq.
Andrew Stanner, Esq.
Attorneys for Reco Coates